

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN CLERK'S OFFICE  
12/22/05 P 3:35*

DONALD C. HUTCHINS

)

Plaintiff

)

v.

)

CARDIAC SCIENCE, INC.

)

Defendant

)

Civil Action: 04-30126-MAP

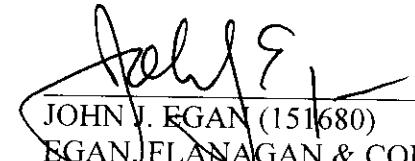
*U.S. DISTRICT COURT  
DISTRICT OF MASS.*

**DEFENDANT COMPLIANT CORPORATION'S MEMORANDUM IN OPPOSITION  
TO PLAINTIFF'S "MOTION TO ALLOW ELECTRONIC TESTIMONY"**

Plaintiff, Donald C. Hutchins ("Plaintiff"), recently filed a "Motion to Allow Electronic Testimony" at the hearing scheduled for January 4, 2006. Plaintiff does not, however, explain what this "electronic testimony" or presentation consists of or what format it is, nor does he explain how he (or a potential third party) will testify electronically. Further, the January 4th hearing is not scheduled to be an evidentiary hearing and, even if it were, Plaintiff offers no information or explanation to even suggest that the electronic testimony he intends to submit is admissible into evidence. In addition, Plaintiff does not indicate what Motion his intended electronic testimony or presentation relates to or is allegedly in support of. Accordingly, Compliant respectfully requests that Plaintiff's Motion be denied.

In the event the Court grants Plaintiff's Motion, Compliant respectfully requests that it be permitted to view Plaintiff's intended electronic testimony or presentation in advance of the hearing so as to be advised of its content and be prepared to fully respond.

Respectfully submitted,

  
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Attorneys for Compliant Corporation

**CERTIFICATE OF SERVICE**

A copy of the foregoing Defendant Compliant Corporation's Memorandum in Opposition to Plaintiff's "Motion to Allow Electronic Testimony" is being served via first-class mail this 20<sup>th</sup> day of December, 2005:

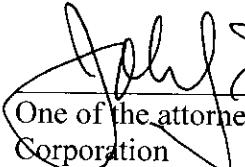
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